

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

EL PASO COUNTY, TEXAS
500 E. San Antonio
El Paso, TX 79901 and

BORDER NETWORK FOR HUMAN RIGHTS
2115 N. Piedras St
El Paso, TX 79930,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States of America,

MARK T. ESPER, in his official capacity as Acting
Secretary of Defense,

KEVIN McALEENAN, in his official capacity as
Acting Secretary of Homeland Security,

TODD T. SEMONITE, in his official capacity as
Commanding General
United States Army Corps of Engineers,

DAVID BERNHARDT, in his official capacity as
Acting Secretary of the Interior,

STEVEN T. MNUCHIN, in his official capacity as
Secretary of the Treasury,

Defendants.

Civil Action No. 3:19-cv-66-DB

NOTICE OF CROSS-APPEAL

Please take notice that El Paso County, Texas, and the Border Network for Human Rights, Plaintiffs in the above-captioned case, hereby appeal to the United States Court of Appeals for the Fifth Circuit from this Court's order (ECF No. 136) and opinion (ECF No. 137) of December 10, 2019, to the extent they deny permanent declaratory and injunctive relief as to Defendants' 10 U.S.C. § 284 construction projects, and any prior orders or rulings merged therein.

Dated: December 20, 2019

Respectfully submitted,

/s/ Kristy Parker

Kristy Parker (*Pro hac vice*)

Justin Florence (*Pro hac vice*)

Erica Newland (*Pro hac vice*)

THE PROTECT DEMOCRACY
PROJECT, INC.

2020 Pennsylvania Avenue., NW, #163
Washington, DC 20006

Telephone: (202) 579-4582

Facsimile: (929) 777-8428

justin.florence@protectdemocracy.org

kristy.parker@protectdemocracy.org

erica.newland@protectdemocracy.org

Deana K. El-Mallawany (*Pro hac vice*)

THE PROTECT DEMOCRACY
PROJECT, INC.

125 Walnut Street, Ste. 202

Watertown, MA 02472

Telephone: (202) 579-4582

Facsimile: (929) 777-8428

deana.elmallawany@protectdemocracy.org

Stephanie Llanes (*Pro hac vice*)

THE PROTECT DEMOCRACY
PROJECT, INC.

222 Broadway, 19th Floor

New York, NY 10038

Telephone: (202) 579-4582
Facsimile: (929) 777-8428
stephanie.llanes@protectdemocracy.org

Anton Metlitsky (*Pro hac vice*)
O'MELVENY & MYERS LLP
Seven Times Square
New York, NY 10036
(212) 326-2000
ametlitsky@omm.com

Ephraim McDowell (*Pro hac vice*)
O'MELVENY & MYERS LLP
1625 Eye Street NW
Washington, DC 20006
(202) 383-5300
emcdowell@omm.com

David Bookbinder (*Pro hac vice*)
NISKANEN CENTER
820 First Street, NE
Washington, DC 20002
Telephone: (301) 751-0611
dbookbinder@niskanencenter.org

Richard Mancino (*Pro hac vice*)
Shaimaa M. Hussein (*Pro hac vice*)
Samantha G. Prince (*Pro hac vice*)
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019
Telephone: (212) 728-8000
Facsimile: (212) 728-8111
RMancino@willkie.com
SHussein@willkie.com
SPrince@willkie.com

Stuart Gerson (*Pro hac vice*)
EPSTEIN BECKER GREEN
1227 25th Street, NW
Washington, DC 20037
Telephone: (202) 861-4180
Email: SGerson@ebglaw.com

Laurence H. Tribe (*Pro hac vice*)
Carl M. Loeb University Professor and

Professor of Constitutional Law
HARVARD LAW SCHOOL*
1575 Massachusetts Avenue
Cambridge, MA 02138
Telephone: (617) 495-1767
Email: tribe@law.harvard.edu

*Affiliation noted for identification purposes
only

John C. Padalino (Texas State Bar No.
24041638)
401 Congress Avenue, Suite 1540
Austin, Texas 78701
Telephone: (512) 596-2944
Facsimile: (512) 596-2944
john@padalinolaw.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically filed the foregoing document with the U.S. District Court for the Western District of Texas by using the CM/ECF system, which will send notifications of such filing to all CM/ECF counsel of record.

Dated: December 20, 2019

/s/ Kristy Parker

Kristy Parker (*Pro hac vice*)

THE PROTECT DEMOCRACY
PROJECT, INC.

2020 Pennsylvania Avenue., NW, #163

Washington, DC 20006

Telephone: (202) 579-4582

Facsimile: (929) 777-8428

kristy.parker@protectdemocracy.org